

**CERTIFIED FOR PARTIAL PUBLICATION**

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FIRST APPELLATE DISTRICT**

**DIVISION FIVE**

**MILTON WISE et al.,**

**Plaintiffs and Appellants,**

**v.**

**PACIFIC GAS AND ELECTRIC  
COMPANY,**

**Defendant and Respondent.**

**A093538**

**(San Francisco County  
Super. Ct. No. 993703)**

**ORDER MODIFYING OPINION**

The opinion filed September 12, 2005, is modified as follows:

- 1) On page 11, delete roman numeral I. before *Standard of Review*.
- 2) On page 11, delete roman numeral II. and replace it with roman numeral I. as follows:
  - I. *The PUC's Decision to Close Its Investigation of the GRRP Ratepayer Funding Issues Raised in the Carey Case Does Not Preclude the Instant Action.*
- 3) On page 25, the DISPOSITION should read as follows:

The judgment is reversed and remanded for further proceedings consistent with this opinion. Appellants shall recover costs on appeal.
- 4) This modification does not change the judgment.

Dated: \_\_\_\_\_

\_\_\_\_\_  
JONES, P.J.

Trial judge:

Hon. David A. Garcia

Trial court:

San Francisco Superior Court

Counsel for plaintiffs  
and appellants:

Popelka \* Allard, Bernard J. Allard,  
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